IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

THURSDAY, THE 26TH JULY 2007 / 4TH SRAVANA 1929

WP(C).No. 25065 of 2006(H)

PETITIONER:

P.K.KUNHIRAMAN NAIR,
AGED 82 YEARS, HOUSE NO.181,
WARD NO.XI, VENGAD PANCHAYATH,
KAPPATTUVEETTIL HOUSE, P.O.PATHIRIYAD,
KANNUR DISTRICT.

BY ADV. SRI.SARVOTHAMAN

RESPONDENTS:
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1. VILLAGE OFFICER,
PATHIRIYAD, PATHIRIYAD VILLAGE OFFICE,
PATHIRIYAD P.O., KANNUR DISTRICT.

2. TAHSILDAR (REVENUE RECOVERY),
THALASSERY TALUK, THALASSERY,
KANNUR DISTRICT.

3. ADDITIONAL DISTRICT EXECUTIVE OFFICER,
KERALA MOTOR TRANSPORT WORKERS WELFARE FUND
BOARD,
KANNUR.

4. K.K.NARAYANI, W/O.P.K.KUNHIRAMAN NAIR,
KAPPATTUVEETTIL HOUSE, P.O.PATHIRIYAD,
KANNUR DISTRICT.

R1&2 BY G.P. SRI.P.N.SANTHOSH
R3 BY ADV. SRI.PAULSON C.VARGHESE,SC,KMTWF BOARD

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 26/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

P1: TRUE COPY OF THE HOUSE TAX RECEIPT FOR THE YEAR 2002-2003 ISSUED BY THE VENGAD PANCHAYAT IN RESPECT OF PETITIONER'S HOUSE.

P2: TRUE COPY OF THE RATION CARD OF THE PETITIONER BEARING CARD NO.2367053735.

P3: TRUE COPY OF THE CASH BILL IN RESPECT OF ONIDA TELEVISION PURCHASED BY THE PETITIONRE DT.5.5.1997.

P4: TRUE COPY OF THE ORDER DT.6.11.2001 IN CMP 44012/01 IN O.P. NO.27112/01 C OF THIS HON'BLE COURT.

P5: TRUE COPY OF THE ORDER DT.3.2.2003 IN CMP NO.7565/02 IN WA NO.1403/2002 OF THIS HON'BLE COURT.

P6: TRUE COPY OF JUDGMENT DT.27.1.2006 IN WA NO.1403/2002 (A) OF THIS HON'BLE COURT.

P7: TRUE COPY OF AGREEMENT DT.26.11.96 OF SUB REGISTRY OFFICE, ANCHARAKANDY.

P8: TRUE COPY OF THE JUDGMENT REPORTED AS SHORT NOTE CASE NO.60 IN 2002(3) KLT (O.P. NO.16834/02).

TRUE COPY

P.A. TO JUDGE

C.N.RAMACHANDRAN NAIR, J.

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W.P.(C) No.25065 of 2006

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Dated this the 26th day of July, 2007.

JUDGMENT

The petitioner is challenging recovery proceedings for recovery of arrears due from his wife-4th respondent. The petitioner does not have and cannot have any objection against respondents 1 and 2 selling the defaulter's property. The W.P. is disposed of directing respondents 1 and 2 to identify the immovable property of the 4th respondent and sell the same in recovery proceedings. There will be direction to respondents 1 and 2 not to attach and sell the movables from petitioner's house and the immovable property belonging to the petitioner. If petitioner or the 4th respondent offers settlement by making payment, there will be direction to respondents 1 and 2 to grant two months time to arrange for sale of the property and settle liability. If payment is made voluntarily, there will be direction to respondents 1 to 3 not to recover any collection charges.

C.N.RAMACHANDRAN NAIR
Judge

pms